

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

<b>STATE OF NEW MEXICO, <i>ex rel.</i></b>	)	
<b>STATE ENGINEER, <i>et al.</i>,</b>	)	<b>69cv07896 BB</b>
	)	<b>Rio Pueblo de Taos</b>
<b>Plaintiffs,</b>	)	<b>Adjudication</b>
	)	
<b>v.</b>	)	<b>69cv7939 BB</b>
	)	<b>Rio Hondo Adjudication</b>
<b>EDUARDO ABEYTA, <i>et al.</i>,</b>	)	<b>(Consolidated)</b>
<b>and CELSO ARELLANO, <i>et al.</i>,</b>	)	
	)	<b>Rio Pueblo de Taos Section</b>
<b>Defendants.</b>	)	
	)	<b>Subfile No. 23A.1</b>
	)	

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**ORDER GRANTING MOTION TO AMEND SUBFILE ORDER  
(SUBFILE NO. 23A.1, JOE D. AUSTIN)**

This matter came before the Court on the February 8, 2010, Motion to Amend Subfile Order (Doc. No. 5414) filed by the State of New Mexico *ex rel.* State Engineer (“State”). The Motion requests an Order amending the November 15, 1972 Order (Doc. No. 383.6) entered in Subfile No. 23A.1<sup>1</sup>, to fully and accurately describe the water right under Subfile No. 23A.1 by: (1) providing a complete description of the groundwater point of diversion for the water right; and (2) adopting a November 28, 1956, priority date for the water right subject to future *inter se* objections. No responses or objections to the State’s Motion were filed. Accordingly, the Court, having considered the Motion, and being otherwise fully advised in the premises, finds that the Motion is well taken and that it should be GRANTED:

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<sup>1</sup> Subfile No. 23A.1 is located in the area formerly designated as “Supplement A” to the Rio Pueblo de Taos Hydrographic Survey.

IT IS THEREFORE ORDERED,

1. The November 15, 1972 Order (Doc. No. 383.6) is hereby amended to adopt a November 28, 1956, priority date for the water right under Subfile No. 23A.1, subject to future *inter se* objections; and
2. Paragraph 5 of said Order is amended to fully and accurately describe the water right under Subfile 23A.1 as follows:

Ground Waters:

State Engineer File No.: RG-91661

Priority: November 28, 1956

Source of Water: Ground water of the Rio Fernando de Taos, a tributary of the Rio Pueblo de Taos Stream System.

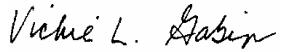
Point of diversion: Well No. RG-91661 is located at x=724,370 and y=1,955,480, New Mexico State Plane Coordinate System, Central Zone, NAD 1927.

3. Except as provided in this Order, all other elements of the water right remain as stated in the November 15, 1972 Order (Doc. No. 383.6) and subsequent orders of the Court.



BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN  
SPECIAL MASTER